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TO

Provide for the transfer of Foynes Harbour in the Estuary of the River Shannon to the Limerick Harbour Commissioners; and for other purposes. A.D. 1887.

WHEREAS by the Shannon Act, 1885, the Commissioners of Public Works in Ireland (in this Act called the Commissioners of Works) are empowered by order to direct that any of the piers or other works therein mentioned, including Foynes Harbour in the estuary of the River Shannon in the county of Limerick, shall become the public property of the county or sanitary district in which such pier or other work is situate, and that the maintenance thereof shall be committed to the grand jury or sanitary authority, or to any properly constituted harbour authority, as the case may be, with their consent: 48 & 49 Vict. c. 41.

And whereas the Limerick Harbour Commissioners (in this Act called "the Harbour Commissioners") being a body incorporated by the Limerick Docks and Harbour Improvement Amendment Act, 1847, and a harbour authority within the meaning of the Shannon Act, 1885, are willing to undertake the maintenance of Foynes Harbour if transferred to them; and it is expedient, with the view of providing adequate means for the improvement of Foynes Harbour, to enable such transfer to be effected, and to invest the said Harbour Commissioners with powers of raising money, and to make such other provisions as this Act contains: 10 & 11 Vict. c. cxcviii.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Foynes Harbour (Transfer) Act, 1887. Short title.

2. Words and expressions to which meanings are assigned by the Shannon Act, 1885, have in this Act the same respective meanings. Interpretation of terms.

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Power of Commissioners of Works to transfer Foynes Harbour to Limerick Harbour Commissioners.

3. (1.) The Commissioners of Works may by an order made under the Shannon Act, 1885, direct that Foynes Harbour in the estuary of the River Shannon in the county of Limerick shall become the public property of the Harbour Commissioners, on such terms of the Harbour Commissioners executing works for improvement of the harbour and otherwise, as shall be specified in the order; and the Harbour Commissioners are hereby empowered to accept the same on the terms mentioned in the order.

(2.) Subject to the provisions of this Act, the provisions of the Shannon Act, 1885, shall apply in the case of such order as though the making thereof had been expressly authorised by the said Act of 1885; and from and after the date of such order taking effect, the Harbour Commissioners shall, in relation to Foynes Harbour, have and be subject to all the powers, rights, duties, and liabilities of a pier authority under the said Act of 1885.

Tolls in Foynes Harbour

4. From and after the date of such order taking effect, or at such later date as may be specified in such order, the tolls specified in the second schedule to the Shannon Act, 1885, shall not be applicable to Foynes Harbour, and in lieu thereof the same harbour rates as are for the time being levied in the port of Limerick under the authority of the Limerick Harbour Act, 1867, shall be paid to and levied and received by the Harbour Commissioners in respect of Foynes Harbour; and the said harbour rates shall be recovered and recoverable and shall be subject to alterations in the same manner as the harbour rates authorised to be levied by the Limerick Harbour Act, 1867: Provided that the Foynes Harbour rates shall at no time exceed those for the time being levied in the port of Limerick.

30 & 31 Vict. c. clv.

Application of surplus revenue, and power to borrow for improvement of Foynes Harbour. 30 & 31 Vict. c. clv.

5. (1.) The Harbour Commissioners may from time to time apply any surplus revenue or accumulation thereof arising from the tolls, dues, and rates payable to them under the Limerick Harbour Act, 1867, for the purpose of executing any works for the improvement of Foynes Harbour specified in any order made in pursuance of this Act; and may, if those moneys prove to be insufficient for the purpose, from time to time, with the sanction of the Commissioners of Works, borrow in the manner provided by section nine of the Shannon Act, 1885, such sums as may be required, not exceeding in the whole *twenty thousand* pounds, and for that purpose may mortgage the tolls, dues, and rates leviable by them as well in the port of Limerick as in Foynes Harbour, and all or any of their lands, works, or other property, and any revenue arising therefrom.

48 & 49 Vict. c. 41.

Provided that for the purposes of section eighty-four of the Commissioners Clauses Act, 1847, which is incorporated with the said

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section nine, the prescribed part shall be such part as shall be prescribed by the Commissioners of Works in the case of each loan. A.D. 1887.

(2.) Money borrowed under this Act shall be applied only for purposes to which capital is properly applicable under this Act or any order made in pursuance of this Act.

Application of s. 10 of 48 & 49 Vict. c. 41.

6. Section ten of the Shannon Act, 1885, shall apply so as to enable the Commissioners of Works to make any loan to the Harbour Commissioners for the purpose of executing any works specified in any order made in pursuance of this Act, on the terms mentioned with reference to loans to a pier authority under that section.

Accounts and audit.

7. (1.) The Harbour Commissioners shall cause to be kept true and regular accounts of all moneys received and paid by them in respect of Foynes Harbour, and of the several purposes for which such moneys shall have been received or paid; and such accounts shall be made up to the *thirty-first day of December* in each year.

(2.) The said accounts shall be audited in like manner and subject to the like provisions as the accounts of the Harbour Commissioners under the Limerick Harbour Act, 1867.

30 & 31 Vict. c. clv.

Completion of works in case of default of Harbour Commissioners.

8. (1.) If at any time after the expiration of the time limited by an order made in pursuance of this Act for the completion of any works for the improvement of Foynes Harbour, it appears to the Lord Lieutenant that the said works or any of them have not been completed by the Harbour Commissioners within the time and in the manner specified in the said order, the Lord Lieutenant may, if he thinks fit, signify the same to the Treasury; and the Treasury may thereupon, if they think fit, authorise the Commissioners of Works to execute any works which they may consider necessary for the purpose of completing such works, or any of them, and to advance out of any moneys for the time being at their disposal for loans from the Consolidated Fund, any sum or sums necessary for such works; and for the purpose of executing such works the Commissioners of Works shall have all the powers of the Harbour Commissioners.

(2.) Any sum or sums so advanced by the Commissioners of Works together with interest thereon at the rate of *four* pounds per centum per annum, or at such higher rate as may in the judgment of the Treasury be necessary in order to enable such advance to be made without loss to the Exchequer, shall be repaid by the Harbour Commissioners out of any moneys (other than

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borrowed moneys) applicable by them to the construction or maintenance of Foynes Harbour, and shall be charged on all tolls, dues, and rates leviable by the Harbour Commissioners as well in Foynes Harbour as in the port of Limerick, and shall be recoverable accordingly by the Commissioners of Works as if such tolls, dues, and rates had been expressly mortgaged to them as security.

Saving priority of certain loans.

9. The loans mentioned in the schedule to this Act shall have priority of charge over all loans made wholly or partly on the same security under this Act.

SCHEDULE.

(i.) From Public Works Commissioners, Ireland.

—	Loan.	Principal now outstanding.
Debt commuted per Act 30 & 31 Vict. c. 53.	£ s. d. 49,413 18 0	£ s. d. 39,672 13 2

(ii.) From Public Works Loan Commissioners.

—	Loan.	Principal now outstanding.
	£ s. d. 23,779 9 1	£ s. d. 19,609 4 2

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Foynes Harbour (Transfer).

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To provide for the transfer of Foynes Harbour in the Estuary of the River Shannon to the Limerick Harbour Commissioners; and for other purposes.

(*Prepared and brought in by Sir Herbert Maxwell and Mr. Jackson.*)

Ordered, by The House of Commons, *to be Printed,* 4 *February* 1887.

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